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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,483	03/22/2004	Michael Desmond	MITS:051	9100
37013	7590	12/15/2005	EXAMINER	
ROSSI, KIMMS & McDOWELL LLP.			NEILS, PEGGY A	
P.O. BOX 826			ART UNIT	
ASHBURN, VA 20146-0826			PAPER NUMBER	
			2875	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/805,483

Applicant(s)

DESMOND ET AL.

Examiner

Peggy A. Neils

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-7, 10, 12, 16, 19, 26-34 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 26-34, 36 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 12, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Krumholz.

Krumholz shows a lighting system for a vehicle including first and second light sources with the second lamp 11 being a plasma-type lamp. The invention is disclosed as being used as a headlight (see column 1, first paragraph) but other automotive uses are noted (see column 1, second paragraph). The lamp includes at least a first electrode

29.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krumholz in view of Ferrell.

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Krumholz shows one type of plasma lamp which operates with an electrode rod 29.

Krumholz states that various colors can be provided in the lamp. Ferrell teaches that it is known in the art to have a plasma lamp with first and second electrodes at opposite ends of a lamp for use in a vehicle (see figure 3). It would be obvious to one skilled in the art that Krumholz could be modified to use a different type plasma lamp as taught by Ferrell in the headlight device because both references are directed to providing enhanced lighting in a headlight.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krumholz in view of Rodgers.

Krumholz discusses aesthetic lighting in various area of a vehicle including the gearshift (see column 1, beginning at line 25). Rodgers teaches that it is known in the art to have an illuminated gearshift with a touch responsive switching mechanism. As Krumholz suggests many environments using a plasma-type light it would have been obvious to one skilled in the art that Krumholz could be used on a gearshift in the same manner as taught by Rodgers as both references discuss lighting vehicle accessories.

Claims 28- 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayami in view of Ferrell.

Hayami shows a vehicle lighting system for a vehicle with plural lamps operated by a controller in response to sensed condition. Hayami states that one lamp is a discharge bulb and the second lamp is a halogen bulb. Hayami does not go into detail on the bulb structure. Ferrell teaches that it is known in the art to have a plasma lamp with multiple electrodes in a headlight device. It would have been obvious to one skilled in the art

that Hayami could be modified to include a multi-electrode plasma lamp in the headlight in the same manner as taught by Ferrell as both references are directed to improving vehicle lighting. As Hayami as modified by Ferrell provides for adequate lighting with the plasma light having two electrodes to use more electrodes is a mere multiplicity of elements and does not accomplish anything more than that already taught by the cited references. Claim 33 sets forth brake engagement as a parameter for controlling the lighting. Hayami is directed to a steering sensor but it would obviously be within the scope of the invention that other parameters could be sensed and controlled.

***Allowable Subject Matter***

Claims 7, 10, 12, 16, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


The following is a statement of reasons for the indication of allowable subject matter: Claim 7 and those claims which depend from Claim 7 are considered to have allowable subject matter because Claim 7 sets forth that the plasma lamp has a central portion with a first electrode positioned in the central portion and a second electrode positioned coaxially at an end of an outer portion surrounding the central portion. This arrangement of the electrodes was not shown or suggested by the prior art. Claims 16 and 17 are considered to have allowable subject matter because Claim 16 sets forth that at least part of the housing formed the enclosure of the plasma lamp and that the second electrode is composed of at least one of wires integrated into the light transmitting member so that streamer travels from the first electrode to the light

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transmitting member. This combination of limitations was not shown or suggested by the prior art.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Iannini is cited of interest for showing a touch controlled plasma lamp. Trappani et al, Foldi et al and Walker show various uses for a plasma lamp. Any inquiry concerning this communication or earlier communications should be directed to Examiner Neils at (571) 272-2377 on a Monday or Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378.

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800